

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERGIO HERNANDEZ NAJERA,	:	
Plaintiff,	:	
	:	21 Civ. 6753 (LGS)
-against-	:	
	:	<u>ORDER</u>
LAKE AVE PIZZA LLC, ET AL.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 12, 2022, the Order at Dkt. No. 60 adjourned the show-cause hearing in this action to August 24, 2022, and directed Plaintiff to file supplemental and corrected papers in connection with his motion for default judgment and ensure that all papers had been properly served on all Defendants and file proof of service by August 17, 2022;

WHEREAS, Plaintiff has not complied with any portion of the Order at Dkt. No. 60.

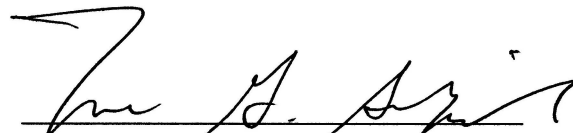
It is hereby **ORDERED** that the hearing for Defendants to show cause why an order entering default judgment should not be entered against them scheduled for August 24, 2022, at 4:20 P.M., is adjourned to **September 28, 2022, at 4:20 P.M.** At that time, the parties shall dial the conference line at 888-363-4749 and use access code 558-3333. The time of the hearing is approximate, but the parties shall be ready to proceed by that time.

It is further **ORDERED** that, by **September 9, 2022**, Plaintiff shall (1) file a proposed default judgment order on ECF as required by the Court's individual rules, (2) serve a copy of that proposed default judgment order on all Defendants, (3) serve a copy of this Order on all Defendants, (4) ensure that all of the supporting papers on which the Order to Show Cause in this action was based have been served on Defendants and (5) file proof of service of all of the above.

It is further **ORDERED** that, when preparing the proposed default judgment order, Plaintiff shall ensure that the proper minimum wages are being used to calculate damages and shall file a new affidavit supporting a new damages calculation if necessary. It appears at present that Plaintiff's damages calculations use minimum wages applicable to New York City, while the Complaint alleges that Plaintiff was employed in Yonkers, New York.

Plaintiff's counsel is advised that continued failure to comply with court orders will result in sanctions, potentially including but not necessarily limited to dismissal for failure to prosecute and monetary sanctions.

Dated: August 19, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE